

**IN THE UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF ARKANSAS**  
**WESTERN DIVISION**

STACY GALL and CATHY CALL

Plaintiffs

V.

ADAM ROBERTSON, JAMES  
POTTER, JAMES FOSTER, and  
CHRIS HOLMES, individually and in  
their capacities as officers of the Pulaski  
Court Sheriff's Department

Defendants

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NO: 4:15CV00210 SWW

**ORDER**

Before the Court is Plaintiffs' *pro se* motion [ECF No. 28] requesting that the Court voluntarily dismiss this action, without prejudice. The time for responding has expired, and Defendants have not filed a response. Because Defendants have answered the complaint, dismissal at Plaintiffs' request is possible only by a court order, on terms that the Court finds proper. *See* Fed. R. Civ. P. 41(a)(2).

The Court finds that voluntary dismissal without prejudice is proper in this case, provided that if this matter is refiled, Plaintiffs shall reimburse Defendant for any *duplicative* expenses—that is, any expense that will be incurred *twice* as a result of the case being refiled.

IT IS THEREFORE ORDERED that Plaintiffs' motion requesting voluntary dismissal without prejudice [ECF No. 28] is GRANTED. This action is hereby DISMISSED WITHOUT PREJUDICE, conditioned upon Plaintiff's payment of duplicative costs, if any, in the event this case is refiled.

IT IS FURTHER ORDERED that Plaintiffs have ten (10) days from the entry date of this

order in which to withdraw the motion for voluntary dismissal, in which case this order will be vacated and the case reinstated.

IT IS SO ORDERED THIS 12<sup>TH</sup> DAY OF NOVEMBER, 2015.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE